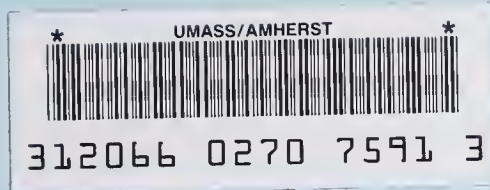


MASS. CD1.2: G94/8



A GUIDE TO THE PROCEDURES FOR  
IMPLEMENTATION OF THE NON-CRIMINAL  
METHOD OF DISPOSITION OF  
VIOLATIONS OF MUNICIPAL ORDINANCES,  
BY-LAWS, RULES AND REGULATIONS\*

This manual was produced under a cooperative arrangement between the Town of Canton, Massachusetts and the Incentive Aid Program of the Massachusetts Executive Office of Communities and Development.

\*(as provided in MGL c40:s 21D)

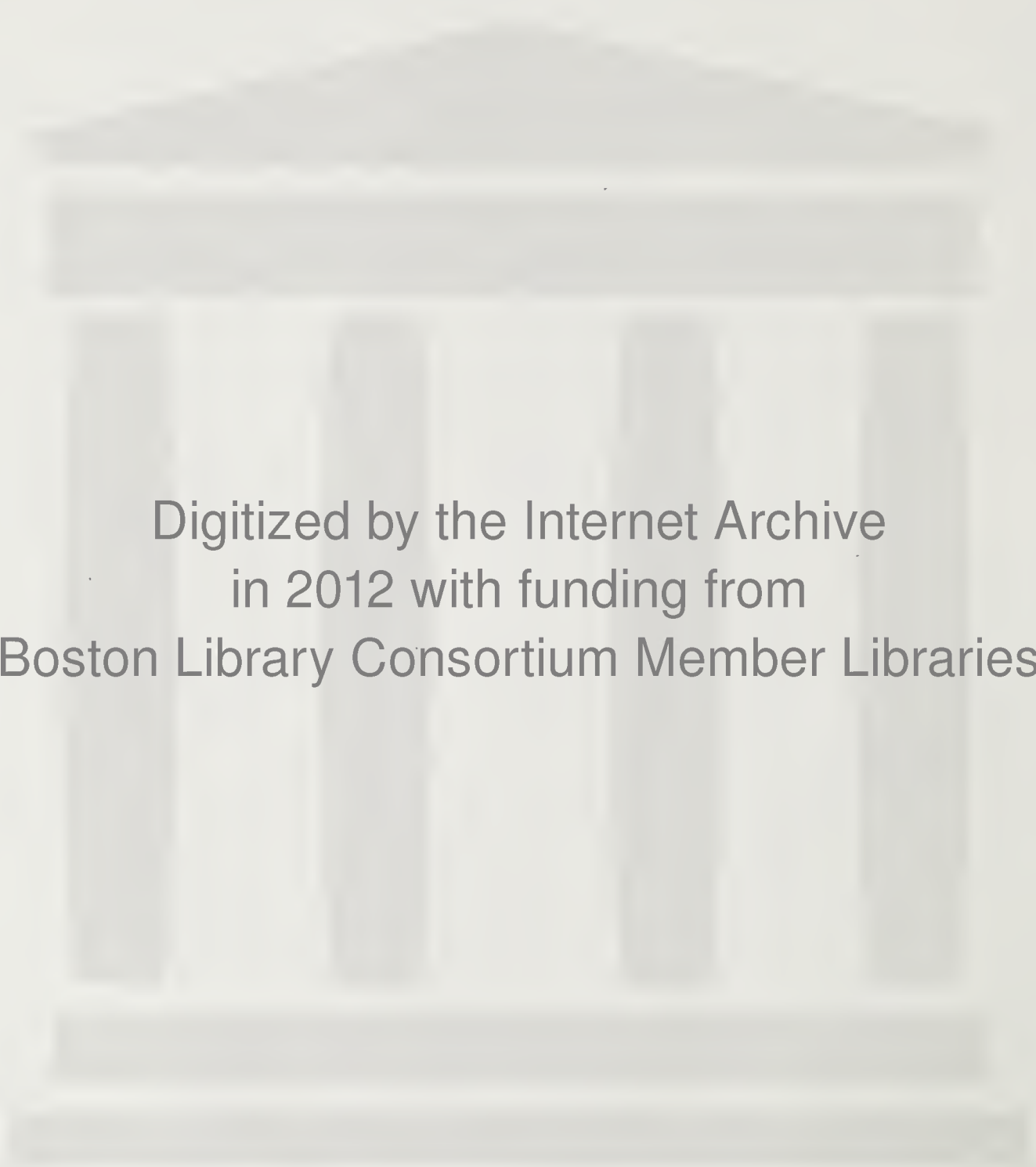
EXECUTIVE OFFICE OF  
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## INTRODUCTION

In 1977 legislation was adopted (c.401:1977) which inserted a new section into the General Laws (c.40:s.21D) authorizing cities and towns to provide for the 'noncriminal disposition' of violations of ordinances, by-laws, rules and regulations. Only a handful of communities have taken steps to make these procedures available as a tool for the enforcement of their local 'laws'.

This manual has been prepared as an outgrowth of a study conducted for the four towns served by the Stoughton District Court (Avon, Canton, Sharon and Stoughton) designed to determine the feasibility of implementing the statute in those communities and, if deemed to be feasible, to design a system for such implementation. The study was conducted under a grant of funds from the Massachusetts Executive Office of Communities and Development's Incentive Aid Grant Program.

During the course of that study it became evident that the guidelines being developed for those communities had broad and general application to other

communities, served by other district courts, and that the implementation procedures being developed ought to be organized in a way which would be most useful to the greatest number of communities as possible.

It is hoped that this manual will be useful to you. Any comments, criticisms, questions or suggestions you may have concerning its usefulness will be appreciated. If necessary, or desirable, the Massachusetts Executive Office of Communities and Development may from time to time issue supplements to this manual in order to incorporate information submitted to us based on experience in other communities with "21D".

In preparing this manual rather than refer continuously to "by-law or ordinance" the term "by-law" is generally used. As the reader is doubtlessly aware the actions of town meetings are referred to as "by-laws" and the actions of town or city councils are referred to as "ordinances." While use of one term or the other may serve to describe the nature of the body adopting the measure, in all other respects the enactments are of the same force.



On the pages which follow a series of questions are posed, and answers are provided, which are designed to move the reader through the statute and to those points of greatest interest.

Some readers may wish to start at the beginning and read the material through as presented, others may find it more useful to their purposes and interests to omit some of the material. It is hoped that presentation in this format will best suit the needs of both types of readers.

1. WHAT DOES "NON-CRIMINAL" DISPOSITION MEAN?

Unless your community has 'accepted' the provisions of MGL c. 40, s.21D, and in doing so has coordinated its action with the clerk-magistrate of your local district court, the method (with limited exceptions) by which your locally adopted "laws" (be they termed ordinances, by-laws, rules or regulations) are enforced is through a criminal complaint procedure in the district court.

This process is slow, cumbersome and in most cases, in the minds of many municipal officials, "more trouble than it is worth." As a consequence of this rather widely held view, municipal officials tend to seek to enforce the provisions of local laws through court action only as a last resort and usually only in cases of the most extreme, blatant, or, offensive violation circumstances.

From the point of view of the judiciary, processing complaints for violations of municipal 'laws' must, unfortunately, compete with a myriad of other criminal and civil matters of varying complexity and severity . Court calendars are necessarily burdened by the broad

scope of the judiciary's duties. This is particularly true in those district courts which serve the urban population centers. The availability of the 'noncriminal disposition' process, by alleviating the involvement of court personnel, can enable municipal officials to provide effective, firm enforcement of their local 'laws' even under these otherwise adverse circumstances.

"Non-criminal disposition" takes the 'criminal' complaint process stigma away from enforcement efforts, obviates, in the majority of cases, the need to 'prove' a case in a trial setting, and allows the opportunity to enforce these local "laws" by a process similar to that employed for minor traffic violations, a process with which most people are familiar.

Use of the 'non-criminal' procedure allows an enforcement person to write a 'ticket' which provides for a specific sum of money to be paid as a penalty for the violation of the local law. The penalty must be paid, or a request made, by the offender, in writing, to the district court for a hearing to be held on the matter, within twenty-one days following the date the ticket is written.

The process is reduced in its complexity for all concerned, the enforcing person, the offender and the court's personnel.

2. WHAT IS THE "AUTHORITY" FOR THIS PROCEDURE?

In 1977 the legislature inserted a new section 21D into General Laws chapter 40, authorizing municipal governments to use a non-criminal procedure as an alternative method to enforce their local 'laws.' The process has only been adopted by a handful of communities in the commonwealth, to date. The statute sets out in very specific terms the procedures which are to be followed, but permits broad discretion on the part of the local community to determine the number and variety of offenses which might be punished through this process. (For a full discussion of the statute see Appendix A)

3. WHAT IS MEANT BY THE TERM "ENFORCING PERSON"?

The statute provides that "enforcing persons" may be designated for specific provisions of local "laws". For example, the dog officer would be designated an enforcement person for the purposes of the animal control by-law, the building inspector (zoning enforcement officer) would be designated an enforcement



person for the purposes of the zoning by-law, and the health agent (or board of health members) would be designated as an enforcement person for purposes of regulations adopted by the board of health. In most cases police officers would also be authorized to enforce the same provisions of local by-laws, rules and regulations by this method. Other appropriate personnel of the town would be designated as enforcing persons for those particular provisions of local by-laws, rules or regulations for which they have a primary responsibility and concern.

4. WHAT LOCAL "LAWS" MAY BE ENFORCED BY THIS METHOD?

The statute provides that any ordinance, or by-law, or, any rule or regulation of any municipal officer, board or department the violation of which is subject to a specific penalty, may be enforced by this method. Examples of local laws covered may be found in Appendix D of this report, but, there may be in any particular town other special local laws which exist which would lend themselves to inclusion under these provisions.

5. ARE ANY OTHER STATE LAWS INVOLVED?

Yes. Three state laws now require cities and towns to have citations available to cite, noncriminally, for violations relating to their terms. These are c. 85, s. 11C, which requires every city and town to provide a ticketing procedure for violation of the state statute governing the operation of bicycles, (c.85, ss.11A and 11B) and of any local regulations regarding the operation of bicycles; c.90, s. 18A, relating to pedestrian control regulations; and c. 270, s.16A, which authorizes noncriminal citations for violations of the state's 'anti-littering' law (c.270, s.16).

Section 21D provides, in part, that if a city or town has implemented its provisions it may use, for violations of the above cited statutes, the same citation forms it uses for violations of local laws. From a practical, economic point of view it would seem desirable to implement the statute simply to be able to use one form instead of three for the above cited statutes and then, as a 'bonus,' to be able to use the same form in connection with the enforcement of local 'laws'.



## 6. HOW IS THE STATUTE IMPLEMENTED?

In order to take advantage of this 'non-criminal' procedure a city or town must first adopt a by-law or ordinance 'authorizing' its use. The by-law (or ordinance) must, in addition, specify if use of the procedure is to be mandatory, or only an option available. The by-law must also specify who the enforcement persons are to be and the specific penalty which is to apply for violations of each particular provision. (A sample, implementing by-law, which incorporates all of these requirements, is contained in Appendix B)

Before adopting an enabling by-law, however, it is strongly recommended that a conference should be held with the clerk-magistrate of the local district court in order to advise that official of the contemplated action and to secure the advice and counsel the local court personnel may provide on the subject. Proper enforcement under these provisions requires close cooperation between the town and the court. To omit this step, or to delay it, might adversely affect the town's implementation plan and efforts.

A detailed scheme leading to implementation is described under "8. How Do We Begin?", beginning on page 11 of this manual.

7. WHAT LOCAL "LAWS" ARE MOST COMMONLY ENFORCED BY THIS METHOD?

An examination of those by-laws adopted to date to implement the provisions of "21D" shows little consistency from one community to another in the items covered. Some communities, Boston (rubbish disposal regulations), Wareham (shellfish regulations and conservation commission regulations) and Quincy (shellfish regulations and 'illegal' dumping), for example have made it applicable to only one or two local laws. Some communities, Barnstable, Brookline and Concord, for example, have identified a large number of uses for this procedure by listing specific sections of their town by-laws, rules and regulations. The number of communities having taken any steps whatsoever to implement these procedures to date in the commonwealth provides too small a sample to provide meaningful guidance as to what are the 'most common' items covered. The statute, appropriately, leaves to each individual community the opportunity to determine for itself those local laws which might be enforced by this method.

Based on a survey made in the spring of 1986 of those communities which had then taken steps to implement the statute, the single most commonly used

application (actual number of citations issued) of the procedure was in the area of animal control. The next most common areas of application were certain local 'police' regulations (e.g. false burglar alarm, public consumption of alcoholic beverages, littering); violations of zoning by-laws, (e.g. sign provisions, 'junk' motor vehicle storage, other unauthorized uses); and, in shore communities, provisions of shellfish regulations and use of waterways.

8. HOW DO WE BEGIN?

a. Determination of Local Interest - The first step in the implementation process is to determine the extent of local interest in having available this procedure as an alternative method of enforcement. This fact should be stressed at any initial meeting held on "21D implementation: if adopted, it is intended to be only another method which might be used to secure enforcement of the provisions of local laws. Making this method of enforcement available leaves in place all existing enforcement methods; in no way is it to be construed as a substitute method which must be used instead of any existing method. If '21D' is implemented, it provides another option to be used at the discretion of the enforcing person.



It is recommended that a meeting be held which would include representation, at a minimum, from the police department, building inspector's office, board of health, conservation commission, the town counsel and the dog officer. If a shore community, the harbormaster, shellfish wardens and wharfingers might also be invited. Any other local officials who might in a particular community have special by-laws or rules and regulations they enforce might also be invited. The meeting should review and make some determination if the implementation of this statute would have any beneficial effect on the town. Perhaps these questions might be posed: Are there local 'laws' which are not being enforced (1) because they do not seem to merit citations as 'criminal' offenses? (2) because the 'criminal' procedures involved in prosecuting offenses are too complicated to justify their use except in extraordinary cases? (3) because municipal officials do not have the time to spend preparing a 'case' and appearing in court to prosecute it and still have time to perform their primary responsibilities? If any of these questions are answered in the affirmative they should serve to provide at least a preliminary list of offenses which might specifically be made subject to the '21D' procedures.

b. Identification of Sections - If the preliminary meeting on the subject has produced affirmative answers to the questions set out above, the meeting might adjourn with an agreement that each participant would again review the 'laws' for which their office is primarily responsible having in mind the matters discussed at the first meeting. After allowing time for each person involved to make this review and to prepare a preliminary list of specific sections, and a recommendation concerning a specific penalty to apply in the case of a violation of that section, a second meeting should be held at which the several lists could be reviewed and compared.

This meeting should lead to some preliminary conclusions as to the scope and variety of items that might be included under '21D' procedures, the penalties to apply and, for each section, who might be appropriate enforcing personnel.

c. Preliminary Draft By-Law - The town counsel, or some other attorney chosen for the purpose, should be able to prepare a draft by-law incorporating all of the ideas and concepts which have been discussed and decided upon at the two meetings held on the subject. If the district court clerk-magistrate's office has not previously been contacted before completing this draft,

the attorney responsible for preparing the draft should review the related procedures which will be necessary in the clerk magistrate's office in detail so that the town and the court will be moving in harmony on the subject. In addition the draftsman may also wish to speak individually with officials of one or more of the departments who will have responsibilities under the program, to assure full understanding on all of the provisions to be incorporated into the draft by-law.

d. Review Session - After the draft has been completed and circulated among the affected departments and individuals concerned, a third meeting should be held for comment, criticism and discussion of the draft. It might be a good idea to open this session by special invitation to the finance (advisory or warrant) committee in particular, and the public in general for comment. Time spent at this stage to explain the rationale behind the implementation of the '21D' procedures will be of immeasurable advantage when the matter is ultimately put to the town meeting for adoption.

At this point it might be beneficial to consider if the by-law might be submitted for enactment in several divisible stages, that is, might only the portion relating to enforcement of one or two segments (e.g.



general 'police' regulations and/or health regulations) be adopted first, with other sections to follow as the town gains experience in the use of the procedures and the public grow more aware of this new enforcement technique.

e. Final Draft, Adoption - Following this meeting a final draft of the proposed by-law should be prepared incorporating all of the comment and criticism made to date. This draft should then be submitted to the town meeting, by appropriate warrant article for enactment.

f. Post Enactment Steps - Following adoption by the town meeting and submission to the department of the attorney-general for its review, final details of the implementation phase should be worked out with the district court clerk-magistrate and his staff. A proposed citation form should be prepared and submitted through the district court to the chief justice of the district court department for his approval. Other forms necessary for use in the town and at the court should be prepared and made available for such use. At this point the town might wish to consider, if it should adopt, administratively, a public awareness program preceding full implementation of the program by issuing tickers during an initial period of, thirty,

sixty or ninety days stamped with the word WARNING and not to seek during such period any 'real' enforcement by this method. This is not to suggest that during this period pre-existing methods of enforcement should not continue to be used.

A training session for all personnel who are to be considered as enforcing persons should be held to acquaint them on a step by step basis with the procedures to be used. This is especially important for all non police personnel who may have responsibilities under the program. A sample guide to procedures is included in Appendix E and may be helpful in organizing such training sessions.

9. ARE THERE SOME GUIDELINES ON FINES?

Yes, it would appear that fines in the \$25-50.00 range may be the most successful to use under these procedures. It is, generally, a large enough amount so as to be noticeable when paid by an individual and yet low enough so that it will usually be paid by the offender and the 'ticket' will not be contested. One community, which has adopted fines in the range of \$100.00 for offenses, has found that the majority of its 'tickets' issued under this procedure are contested. The use of ascending scales for offenses may

be considered, but it must be recognized to do so adds an administrative burden to assure that each offender's record is kept up to date, and available for access to determine the proper charge to apply. In establishing fines the town counsel and appropriate responsible enforcing personnel should review state laws which may impose maximum fines for certain offenses (see for example c. 85, s. 11C, \$20.00 maximum, bicycle violations; c. 90, s. 8A, \$2.00 maximum, pedestrian violations; c.140, s. 173A, \$50.00 maximum, dog violations).

10. WHAT TYPE OF FORMS DO WE NEED?

a. Citation Forms:

The town will need citation forms to be used by the enforcement officers. A sample of the form used in the Barnstable District Court is attached hereto as Appendix C. The statute requires that the forms be prepared in triplicate: one for the offender, one for the court and one for the municipality. At least one town has had the third (town) copy printed on card stock in order that it might be kept on permanent file at the police station. This same town has a place for an officer's incident report to be written on the reverse side of the form. It might be desirable to



have the forms printed in sets of four so that one copy might be kept by the enforcing person or department (e.g. the dog officer , or the building inspector). If an ascending scale of fines is to be employed for multiple offenses, it would be particularly useful for this procedure to be followed.

If a place for an incident report is not contained on the complaint form itself, enforcement persons (other than police officers) should be directed to keep their own notes or memorandum concerning the incident. Should a hearing be requested by the person cited, these notes will be needed. The importance of a contemporary record of the events and circumstances leading to the issuance of the citation cannot be stressed too strongly.

The list of provisions subject to enforcement under this procedure and the schedule of fines applicable for violations should be contained in the citations book for ready reference by the enforcement officer. A sample of the list from the Concord citations book is contained in Appendix E.

#### b. Instruction Sheets

A set of detailed instructions should be issued, particularly designed to guide the non police

enforcement personnel who will be authorized to issue citations. A sample set of such instructions, based on similar materials from several towns, is contained in Appendix F. These instruction sheets, tailored to a particular community, while useful and desirable, should only be considered as a supplement to actual 'hands on' training sessions held prior to the start up of the program and periodically afterwards.

c. Docket Listing

A list of all citations issued, the date of issuance, the date by which response is due to the district court and the action taken should be kept by one coordinator for the town. In the normal course of events, this will be a duty of the police prosecutor who is, in any event, in close contact with the district court on a daily basis. The listing is necessary for accurate follow-up to the citations which are issued. A sample of the form used in Barnstable is attached as Appendix G.

The 'docket' list will be used to note when a request for a hearing is made, and to arrange for the town's case to be ready on the date set for the hearing by the court. It will be used to note when payments have been made, thus disposing of the matter. It will

also be used to keep track of those citations issued on which no request for a hearing is filed, or payment made. For these cases some follow-up will be necessary, see below.

d. Follow-Up Letter

If, when the twenty-one (calendar) days have elapsed (following the date the 'ticket' was issued) the person cited has not paid the fine nor requested a hearing, rather than proceed immediately to the seeking of a criminal complaint, it is suggested that a letter be sent granting an additional ten days within which to pay, or to then face the consequence of a criminal complaint being issued. A sample letter is included as Appendix H. This is a completely optional step, one which has, however, proven its value for the Town of Barnstable. Prior to adopting this step, Barnstable found that nearly one-third of the citations issued by it under its 21D program required follow up by way of seeking a criminal complaint. After the introduction of this letter, that percentage dropped to fewer than ten percent. As the step is optional, there is no requirement that the letter be sent by registered or certified mail.



11. WHAT OPTIONS ARE AVAILABLE TO THE OFFENDER?

The citation which is issued contains on its face (see Appendix D) all of the information which the offender requires in order to avail himself of the options available to him.

Within twenty-one calendar days following the date the citation is issued the offender may (1) appear in person at the office of the clerk magistrate and pay the fine which is established for the offense (and which will have been indicated on the citation), or, (2) the offender may pay the prescribed fine by mailing the amount (check, money order or postal note) to the office of the clerk magistrate, or (3) the offender may, in writing to the district court, request a hearing on the citation.

12. WHAT HAPPENS IF FINE IS PAID?

Payment of the fine, either in person or by mail, operates as a final disposition of the case. The proceedings are deemed to have been non-criminal, and no record of the case is to be entered into the probation records of the court.

13. WHAT HAPPENS IF OFFENDER HAS NOT PAID FINE OR REQUESTED A HEARING ?

Before seeking a criminal complaint to issue when there has been a failure to respond to the non-criminal process, described above, and where the enforcement person is not a police officer, it is suggested the enforcement person be called in and the incident reviewed in full with the prosecutor (or other local coordinator). If the prosecutor (alone or in conjunction with the police chief and/or other department head involved) believes the notes kept by the enforcement person warrant follow through as a criminal matter, such action should then follow. Depending on the volume of non-criminal citations issued and the number which must be pursued by a follow-up criminal complaint, it might be desirable to schedule one day each month to present all such requests to the district court both for its convenience and the convenience of other municipal personnel as may be necessary to attend the court hearing.

14. WHAT HAPPENS IF A HEARING IS REQUESTED?

If a hearing is requested it may be held before a judge of the court, the clerk magistrate, or an assistant clerk, as the court may determine in any

particular case. If the court finds that the offense was not committed, or that the person appearing did not commit it, the matter will be dismissed. If the court finds that the offense was committed by the person cited, such person may then pay the fine and the matter will still be disposed of under these non-criminal provisions with no probation record kept of the proceeding. Should the offender refuse still to pay the fine, the matter then must be pursued as a criminal matter for final disposition.

#### SUMMARY/CONCLUSION

It is hoped that the information contained in this guide has been helpful to you. If you have additional questions which have not been answered in this format, perhaps appropriate personnel in the following communities, and courts, which have taken steps to implement "21D" may be willing to assist you:

Barnstable District Court  
Town of Barnstable  
Town of Falmouth  
Town of Yarmouth

Boston Housing Court  
City of Boston

Brookline District Court  
Town of Brookline

Concord District Court  
Town of Concord  
Town of Lincoln  
Town of Stow

Quincy District Court  
City of Quincy

Wareham District Court  
Town of Wareham

You may also wish to contact the Stoughton District Court and the towns it serves, Avon, Canton, Sharon and Stoughton for information concerning the report prepared for them from which this guide was developed.

Attorney Michael P. Curran, of Canton, was primarily responsible for the conduct of the study and the preparation of the reports.

## APPENDICES

- A. MGL c. 40, s. 21D (authorizing statute)
- B. Summary/Interpretation of 40:21D
- C. Sample Implementing By-Law
- D. Sample Citation Form
- E. List of Provisions subject to 40:21D
- F. Sample Instruction Sheet  
(procedures to guide enforcing persons)
- G. Sample Control Sheet
- H. Sample Follow-Up Letter





Full text of authorizing statute: Chapter 40, section 21D.

**40:21D. Noncriminal Disposition of Certain Violations.**

Section 21D. Any town may by ordinance or by-law not inconsistent with this section provide for noncriminal disposition of violations of any ordinance or by-law or any rule or regulation of any municipal officer, board or department the violation of which is subject to a specific penalty.

Any such ordinance or by-law shall provide that any person taking cognizance of a violation of a specific ordinance, by-law, rule or regulation which he is empowered to enforce, hereinafter referred to as the enforcing person, as an alternative to initiating criminal proceedings shall, or, if so provided in such ordinance or by-law, may, give to the offender a written notice to appear before the clerk of the district court having jurisdiction thereof at any time during office hours, not later than twenty-one days after the date of such notice. Such notice shall be in triplicate and shall contain the name and address, if known, of the offender, the specific offense charged, and the time and place for his required appearance. Such notice shall be signed by the enforcing person, and shall be signed by the offender whenever practicable in acknowledgment that such notice has been received.

The enforcing person shall, if possible, deliver to the offender a copy of said notice at the time and place of the violation. If it is not possible to deliver a copy of said notice to the offender at the time and place of the violation, said copy shall be mailed or delivered by the enforcing person, or by his commanding officer or the head of his department or by any person authorized by such commanding officer, department or head to the offender's last known address, within fifteen days after said violation. Such notice as so mailed shall be deemed a sufficient notice, and a certificate of the person so mailing such notice that it has been mailed in accordance with this section shall be prima facie evidence thereof.

At or before the completion of each tour of duty, or at the beginning of the first subsequent tour of duty, the enforcing person shall give to his commanding officer or department head those copies of each notice of such a violation he has taken cognizance of during such tour which have not already been delivered or mailed by him as aforesaid. Said commanding officer or department head shall retain and safely preserve one copy and shall, at a time not later than the next court day after such delivery or mailing, deliver the other copy to the clerk of the court before which the offender has been notified to appear. The clerk of each district court and of the Boston municipal court shall maintain a separate docket of all such notices to appear.

Any person notified to appear before the clerk of a district court as hereinbefore provided may so appear and confess the offense charged, either personally or through a duly authorized agent or by mailing to such clerk with the notice such specific sum of money not exceeding two hundred dollars as the town shall fix as penalty for violation of the ordinance, by-law, rule or regulation. Such payment shall if mailed be made only by postal note, money order or check. The payment to the clerk of such sum shall operate as a final disposition of the case. An appearance under this paragraph shall not be deemed to be a criminal proceeding. No person so notified to appear before the clerk of a district court shall be required to report to any probation officer, and no record of the case shall be entered in any probation records.



If any person so notified to appear desires to contest the violation alleged in the notice to appear and also to avail himself of the procedure established pursuant to this section, he may, within twenty-one days after the date of the notice, request a hearing in writing. Such hearing shall be held before a district court judge, clerk, or assistant clerk, as the court shall direct, and if the judge, clerk, or assistant clerk shall, after hearing, find that the violation occurred and that it was committed by the person so notified to appear, the person so notified shall be permitted to dispose of the case by paying the specific sum of money fixed as a penalty as aforesaid, or such lesser amount as the judge, clerk or assistant clerk shall order, which payment shall operate as a final disposition of the case. If the judge, clerk, or assistant clerk shall, after hearing, find that violation alleged did not occur or was not committed by the person notified to appear, that finding shall be entered in the docket, which shall operate as a final disposition of the case. Proceedings held pursuant to this paragraph shall not be deemed to be criminal proceedings. No person disposing of a case by payment of such a penalty shall be required to report to any probation office as result of such violation, nor shall any record of the case be entered in the probation records.

If any person so notified to appear before the clerk of a district court fails to pay the fine provided hereunder within the time specified or, having appeared, does not confess the offense before the clerk or pay the sum of money fixed as a penalty after a hearing and finding as provided in the preceding paragraph, the clerk shall notify the enforcing person who issued the original notice, who shall determine whether to apply for the issuance of a complaint for the violation of the appropriate ordinance, by-law, rule or regulation.

As used in this section the term "district court" shall include, within the limits of their jurisdiction, the municipal court of the city of Boston and the housing courts of the city of Boston and the county of Hampden.

The notice to appear provided for herein shall be printed in such form as the chief justice of the municipal court of the city of Boston shall prescribe for said court, and as the chief justice of the district courts shall prescribe for the district courts. Said notice may also include notice of violations pursuant to section eleven C of chapter eighty-five, sections eighteen A, twenty A or twenty C of chapter ninety and section sixteen A of chapter two hundred and seventy. Any fines imposed under the provisions of this section shall be distributed in accordance with section two of chapter two hundred and eighty.

## Summary/Interpretation

MGL c.40, s. 21D

Section 21D provides an alternative method to obtain compliance with the provisions of municipal ordinances, by-laws, rules and regulations. Presently, a town seeking to enforce the provisions of its local 'laws' is required to seek the issuance of a criminal complaint in the District Court, and to prosecute violators by a method which, doubtlessly, has a certain stigma attached to it. The net result is that many violations are not pursued by towns because of (1) the difficulties inherent in prosecuting under these procedures, (2) the time required to prepare and to present the town's case, and (3) a reluctance to use the procedure because of the negative image evoked by a criminal proceeding.

Section 21D, in essence, consists of two parts, the first dealing with the requirements of a local by-law (or ordinance) 'authorizing' use of the procedure and the second part describing in precise detail the procedures which are to be applicable.

The portion addressing the local by-law (or ordinance) is as follows:



1. A by-law, or ordinance, authorizing the use of the non-criminal procedure must first be adopted by the town.

2. The by-law/ordinance must provide that a person who is empowered to enforce a specific ordinance, by-law, rule or regulation who has knowledge (takes cognizance) of a violation of it, and for which a specific penalty is provided, may use the procedures set out later in this section to secure compliance as an alternative to initiating criminal proceedings. The statute provides that the by-law (or ordinance) is to provide whether enforcement may be by this method or shall be by this method. A maximum penalty of \$200.00 is established in the section to be provided as a penalty when the non-criminal method is to be used.(\*)

The language of this section is such that it is insufficient to merely vote "to accept the provisions of c. 40, s. 21D" and to expect to have the benefit of the non-criminal disposition alternative. This is so for the reasons discussed below.

As a general rule, individual sections of municipal by-laws and ordinances do not provide specific penalties for violations of their provisions. Because, prior to the insertion of this

(\*) Note that this maximum is less than the maximum penalty of \$300.00 established in chapter 40, section 21 for violation of a by-law if it is to be pursued as a criminal matter. This may result from a failure to amend s. 21D the last time s. 21 was amended upwards. When '21D' was inserted the penalty under '21' was \$200.00; it was raised to its present \$300.00 level in 1981.)



section (21D) the penalty to be imposed in any particular case would be determined by the Court, most municipal by-laws provide only in a general way the penalty for violations. In Stoughton, for example, it is as follows: "The penalty of any violation of these by-laws shall, when not otherwise provided for, be the forfeiture and payment for each offense of a fine not exceeding fifty dollars (\$50.00)." Similar language is employed in the by-laws of each of the three other towns with only the dollar amount varying: Canton has the lowest maximum penalty, \$20.00; Sharon shares the \$50.00 maximum and Avon provides for not more than \$200.00. (NOTE: It would seem desirable for each town to amend its penalty provisions to permit a Court to impose the highest fine legally permissible and not to impose, by its own actions, a limit which is, in today's economic terms, so low it fails to serve as an economic deterrent).

As a general rule, individual sections of municipal by-laws and ordinances do not specify who is to be responsible for securing enforcement of the provisions. Although this may not be necessary when enforcement is a ways as a criminal prosecution, and it is generally assumed it will be by police officers, for the purpose of the non-criminal

procedure this should be specified and other local officers and employees who might also appropriately cite offenders for violations should also be authorized to do so in the by-law or ordinance.

While the language of the statute is not crystal clear, it is suggested that the ideal way in which to prepare a by-law to implement it would be to specifically enumerate in each section: whether use of the procedure is to be available under the section; if it is, whether its use is to be optional or mandatory; the town officers or employees who are to be considered enforcement persons under it; and the specific penalty to apply for violations of the section. For example:

No person shall place, throw or deposit any trash, bottles or cans, refuse, scrap or other waste material of any kind on or in any public way or place within the town, or within twenty yards thereof. Violations of this section may be enforced, in the manner provided in MGL c. 40, s. 21D, by any police officer, the building inspector or by the health agent, of the town. A penalty of \$25.00 shall be imposed for each violation of this section. Each day on which a violation exists shall be deemed to be a separate violation of this section.

As a practical matter, unless the town's by-laws are to be completely re-written at the time the non-criminal procedure alternative is inserted, it will

probably be more expedient to insert one new section into the town by-laws authorizing the use of the procedure and, by reference to existing sections of the by-laws provide as set out above. Perhaps, as follows:

Violation of the following by-law sections may be enforced in the manner provided in MGL c. 40, s.21D: for the purpose of this section the specific penalty which is to apply for violation of each such section shall be as listed below and the municipal officers or employees whose titles are listed under each section shall be deemed to be enforcing officers for each such section.

Article 1, Section 1 (Smoking in Public Place)

Penalty: \$25.00  
Enforcing Persons: Police Officers  
Health Agent

Article 1, Section 2 (Zoning By-Law)

Penalty: \$100.00  
Enforcing Persons: Building Inspector  
Police Officers

(and so on.... )

In certain cases it may be deemed undesirable ever to seek to enforce a specific provision by the 'criminal' procedure route (as, for example, smoking in a public place) and, in such cases, it is suggested, the word "shall" might be substituted for the word "may" in the first sentence as set out above. It should be noted, however, that such action



may leave no way in which to enforce the "law" if a person fails to respond to the non-criminal citation. (See the remedy provided in c. 90, s.18A for failure to respond in those cases).

The largest part of the language of "21D" deals with the specific procedures to be used under it. These provisions may be summarized, as follows:

1. A written notice is to be given to the person charged with the violation (the offender). Whenever practicable the notice shall be signed by the offender. If it is not possible to give a copy of the notice to the offender at the time and place the violation occurs, it may be mailed to such persons' last known address at any time within the next 15 days.

2. The notice shall direct the offender to appear before the clerk-magistrate of the local district court, at any time during ordinary office hours, within the 21 days next following the date of the notice.

3. In lieu of appearing before the clerk-magistrate the offender may pay, by mail, such specific sum of money as is provided as a penalty for that violation. Payment is a final disposition of the case.

4. The offender, as an alternative, may (in writing) request a hearing on the violation within 21 days, following receipt of the notice of violation. The hearing may be held before a judge, a clerk or an assistant clerk, as the court may direct. If, at the hearing, it is found that the offender did commit the violation, the matter may still be disposed of by paying



the fine. If the finding is that the offense was not committed, or that the person appearing did not commit it, that finding is to be entered as a final disposition.

5. If a person does not appear, or does not pay the penalty, either by 'confessing' or after a finding, the clerk is to notify the enforcing officer who wrote the original notice who is then to determine whether to apply for a criminal complaint.

6. The forms used are to be (at least) in triplicate: (1) to the offender, (2) to the 'department head', (3) to the court. The forms must be approved by the Chief Justice of the District Courts. (Or, the Chief Justice of the Boston Municipal Court, Boston Housing Court, or the Hampden County Housing Court, as may be applicable).

7. At or before the completion of each work day (or, at the beginning of the next one) the enforcing officer shall deliver to his 'department head' copies of the notices he has written. One copy shall be kept by the issuing department and one shall be delivered to the clerk of the district court not later than the next court day after delivery (or mailing) of the notice to appear to the offender.

8. The form is to contain space for:

the name and address (if known) of  
the offender

the specific offense charged

the time and place for the required  
appearance

signature of enforcing officer

signature of offender

In addition to being used for violations of local "laws," the same notice may be used for violations under the earlier statutes which were already in place when section 21D was added to the General Laws. It would seem to be eminently sensible to so provide in order to reduce printing costs and the number of forms which are necessary to be kept available.

These statutes, and some comments concerning each of them, are as follows:

c. 85, section 11C - This section requires, (by its use of the word "shall") every city and town to provide a ticketing procedure to enforce the provisions of c. 85, ss. 11A and 11B, and of any local by-law/ordinance, rule or regulation regarding the registration, equipment and operation of bicycles. Fines are limited (by c.40, s. 21,, clause 16B) to a maximum of \$20.00. A penalty is available if a person refuses to give a name or provides a false one to the enforcing person. Failure to respond to the first 21 day notice to appear will result in a letter from the clerk-magistrate, failure to respond to it will result in the issuance of a warrant for the arrest of the person to whom the citation was issued.

c.90, section 18A - This section authorizes boards of selectmen (inter alia) to adopt pedestrian control regulations and to provide for the enforcement of these regulations through a non-criminal procedure. This section contains procedures, similar to those in 85:11C, providing for a penalty

for failure to provide name and address, or stating a false one, and to be followed when a person does not take advantage of the opportunity for non-criminal disposition, including the issuance of a warrant for the arrest of such person. Fines for the first through the third offense (in a calendar year) are to be \$1.00 each and \$2.00 each for the fourth and subsequent offenses.

c.90, section 20A - This section authorizes a city or town, after first accepting the provisions of the law, to appoint a parking clerk and to enforce its restrictions on parking motor vehicles by hearings before the parking clerk. Failure by offenders to take advantage of these non-criminal procedures may result in notice to the Registry of Motor Vehicles which may, if two or more notices of failure to respond to such parking violation notices have been filed with it, refuse to renew the registration of the motor vehicle until the fines have been paid. In addition, if 5 or more notices have been issued, the police may impound the vehicle until the matter has been settled.

This section provides, essentially, two levels of fines to apply. If the town does not establish its own schedule the fines shall be:

1st. Offense	Warning
2nd to 5th Offense	\$ 5.00
5th, and subsequent offenses	\$10.00

A town may, however, adopt its own schedule of fines, provided, however, they shall not exceed:

\$15.00 if paid within 21 days,

\$ 20.00 if paid thereafter, but before the clerk notifies the Registry of the violation, and \$35.00 if paid thereafter.



c. 90, section 20C - This section provides that in the event of multiple offenses (5 or more unpaid citations) under c. 90, section 20A or 20A 1/2 the matter can be referred to the district court and treated as a criminal violation.

c. 270, section 16A - C. 270 details certain "Crimes Against Public Health". Section 16 of this chapter makes it a crime to "litter" in its broadest sense: to deposit any kind of materials onto public lands, or the land of another person without the permission of the owner. Penalties are severe, up to \$200.00 for the first offense, up to \$1,000.00 for subsequent offenses and, if a motor vehicle is involved, possible suspension of the registration for 30 days. In addition the court may also order the person to remove all of the materials which were disposed of at his own expense. The statute provides that it may be enforced in a city or town by its police officers and, if the city council or town meeting so votes, by health agents, health officers and health directors.

Section 16A provides that violations of section 16 may, as an alternative to being prosecuted as a crime, be enforced through a non-criminal procedure. This section contains provisions, similar to those found in 85:11C and 90:18A, that if a person refuses to give his name and address to the enforcing officer the enforcing officer may arrest him, and that failure to respond to the non-criminal citation and a follow-up letter from the clerk-magistrate, will result in the issuance of an arrest warrant by the Court.

The fines which apply if the non-criminal route is followed are significantly less than a criminal prosecution (under 270:16): \$20.00 for the 1st through the 3rd offense and \$100.00 for the fourth and subsequent offenses.



## SAMPLE

## PROPOSED AMENDMENT TO GENERAL BY-LAWS

## ARTICLE I

Section 1 - Enforcementa) Criminal Complaint

Whoever violates any provision of these by-laws may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation, or offense, brought in such manner, shall be three hundred dollars.

b) Noncriminal Disposition

Whoever violates any provision of these by-laws, the violation of which is subject to a specific penalty, may be penalized by a noncriminal disposition as provided in General Laws, Chapter 40, section 21D. The noncriminal method of disposition may also be used for violations of any rule or regulation of any municipal officer, board or department which is subject to a specific penalty.

Without intending to limit the generality of the foregoing, it is the intention of this provision that the following by-laws and sections of by-laws are to be included within the scope of this subsection, that the specific penalties as listed here shall apply in such cases and that in addition to police officers, who shall in all cases be considered enforcing persons for the purpose of this provision, the municipal personnel listed for each section, if any, shall also be enforcing persons for such sections: each day on which any violation exists shall be deemed to be a separate offense.

## GENERAL BY-LAWS

Article X

Section 10	Fireworks, etc.	\$ 50.00
Section 12	Rude, indecent speech or behavior	\$ 50.00
Section 13	Loitering	\$ 50.00
Section 20	Curfew	\$ 50.00
Section 21	Dumping refuse on private property, without permission (Health Agent)	\$ 50.00
Section 22	Anti-Noise regulation (Health Agent)	\$ 50.00

Section 23	Junk automobiles, etc.	\$ 20.00
Section 25	Invasion of privacy	\$ 50.00
Section 26	Numbering of buildings (Building Inspector, Fire Chief, Health Agent)	\$ 50.00
Section 27	Distribution of commercial ad- vertising materials	\$ 50.00
Section 28	Discharge of firearm	\$ 50.00
Section 29	Public consumption of alcoholic beverage	\$ 50.00

ARTICLE XV

Snow and Ice removal (Fire Chief)	\$ 25.00
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ARTICLE XVI

Regulation of boating (Harbormaster)	
1st offense	\$ 20.00
2nd offense	\$ 50.00
3rd offense	\$100.00
4th and subsequent offenses	\$200.00

## SAMPLE AMENDMENT TO ZONING BY-LAW

## SECTION XIII

## B. ENFORCEMENT

(2) Non-criminal disposition - In addition to the procedures for enforcement as described above, the provisions of this zoning by-law may also be enforced, by the building inspector, by non-criminal complaint pursuant to the provisions of MGL c. 40, section 21D. Each day on which a violation exists shall be deemed to be a separate offense. The penalty for violation of any provision of this by-law shall be \$25.00 for the first offense; \$50.00 for the second offense; \$100.00 for the third offense and \$200.00 for the fourth and each subsequent offense.

\*\*\*\*\*

## SAMPLE AMENDMENT TO BOARD OF HEALTH REGULATIONS

## CHAPTER XVII

Penalties - Board of Health Regulations

(a) Criminal Complaint - Whoever violates any provision of these rules and regulations may be penalized by indictment or on complaint brought in the District Court. Except as may otherwise be provided by law, and as the district court may see fit to impose, the maximum penalty for any violation of these provisions shall be \$300.00 for each offense.

(b) Non-Criminal Disposition - Whoever violates any provision of these rules and regulations may, in the discretion of the Health Agent, be penalized by a non-criminal complaint in the District Court pursuant to the provisions of General Laws, Chapter 40, section 21D. For the purpose of this provision the penalty to apply in the event of a violation shall be as follows: \$25.00 for the first offense; \$50.00 for the second offense; \$100.00 for the third offense and \$200.00 for the fourth and each subsequent offense. Each day on which a violation exists shall be deemed to be a separate offense.



## Barnstable Citation Form



*Sample*  
No. 4855

**TOWN OF BARNSTABLE NOTICE OF VIOLATION  
OF TOWN BYLAW OR REGULATION**

(Date of this Notice) \_\_\_\_\_ 19\_\_\_\_

To: \_\_\_\_\_  
(Name of Offender)

\_\_\_\_\_  
(Address of Offender)

\_\_\_\_\_  
(City, State, Zip Code)

**YOU HAVE BEEN OBSERVED VIOLATING**

\_\_\_\_\_  
(specific bylaw or regulation)

by \_\_\_\_\_  
(act constituting violation)

at \_\_\_\_\_ (A.M.) (P.M.) on \_\_\_\_\_ 19\_\_\_\_  
(time and date of violation)

at \_\_\_\_\_  
(place of violation)

(Signature of Enforcing Person)  
**I HEREBY ACKNOWLEDGE RECEIPT OF THE  
FOREGOING CITATION:**

\_\_\_\_\_  
(Signature of offender)

☐ Unable to obtain signature of offender.

**THE FINE FOR THIS OFFENSE IS \$\_\_\_\_\_.**  
**YOU HAVE THE FOLLOWING ALTERNATIVES WITH  
REGARD TO DISPOSITION OF THIS MATTER:**

(1) You may elect to pay the above fine, either  
by appearing in person between 9:00 A.M. and  
5:00 P.M., Monday through Friday, legal holidays  
excepted, before: **THE CLERK-MAGISTRATE**  
District Court Department  
First Barnstable Division  
Court Compound, Main Street  
Barnstable, Ma. 02630

or by mailing a check, money order or postal note  
to the Clerk-Magistrate **WITHIN TWENTY-ONE (21)  
DAYS OF THE DATE OF THIS NOTICE.** This will  
operate as a final disposition of the matter, with  
no resulting criminal record.

(2) If you desire to contest this matter in a non-  
criminal proceeding, you may do so by making a  
written request to the above **CLERK-MAGISTRATE**  
for a hearing. A determination by a Judge, Clerk-  
Magistrate or Assistant Clerk will operate as a fi-  
nal disposition, with no resulting criminal record,  
provided any fine imposed by that officer is paid  
within the time specified.

(3) If you fail to pay the above fine or to ap-  
pear as specified, a criminal complaint may be  
issued against you.

**I HEREBY ELECT the first option above, con-  
fess to the offense charged, and enclose payment  
in the amount of \$\_\_\_\_\_.**

Signature \_\_\_\_\_



TOWN OF CONCORD: List of Provisions Subject to Enforcement  
Under MGL c. 40, Section 21D Procedures

1. BICYCLE BY-LAW

Fine Allowed: \$1.00  
Enforcement Agent: Police Officers  
Fine Schedule: 1st offense & each successive offense  
\$1.00

2. PEDESTRIAN CONTROL REGULATIONS

Fine Allowed: \$1.00 and \$2.00  
Enforcement Agent: Police Officers  
Fine Schedule: 1st, 2nd, & 3rd offense - \$1.00  
4th, 5th, & each successive offense  
\$2.00

3. TAXI-CAB RULES & REGULATIONS

Fine Allowed: \$20.00  
Enforcement Agent: Police Officers  
Fine Schedule: 1st & each successive offense \$20.00

4. SMOKING IN PUBLIC PLACES BY-LAW

Fine Allowed: \$25.00  
Enforcement: Police Officers  
Fine Schedule: 1st and each successive offense \$25.00

5. ALCOHOLIC BEVERAGE BY-LAW

Fine Allowed: \$50.00  
Enforcement Agent: Police Officers  
Fine Schedule: 1st & each successive offense \$50.00

6. HUNTING BY-LAW

Fine Allowed: \$50.00  
Enforcement Agent: Police Officers  
Fine Schedule: 1st & each successive offense \$50.00

7. PEEPING BY-LAW

Fine Allowed: \$50.00  
Enforcement Agent: Police Officers  
Fine Schedule: 1st & each successive offense \$50.00

8. PRIVATE DIGGING OF ROAD BY-LAW

Fine Allowed: \$50.00  
Enforcement Agent: Building Inspector  
Fine: 1st & each successive offense \$50.00

9. UNREGISTERED MOTOR VEHICLE BY-LAW

Fine Allowed: \$50.00  
Enforcement Agent: Police Officers  
Fine Schedule: 1st offense-warning, 2nd offense \$25.00  
30 days after notice-3rd & each  
successive offense - \$50.00

10. SIGNS AND ADVERTISING DEVICES BY-LAW

E - 2

Fine Allowed: \$50.00  
Enforcement Agent: Building Inspector  
Fine Schedule: 1st offense-warning, 2nd offense- \$25.00  
fine 90 days after notice, 3rd and each  
successive offense - \$50.00

11. ZONING BY-LAW

Fine Allowed: \$100.00  
Enforcement Agent: Building Inspector  
Fine Schedule: 1st offense-warning, 2nd offense-\$50.00  
3rd and each successive offense-\$100.00

12. ANIMALS BY-LAW

Fine Allowed: \$50.00  
Enforcement Agent: Police Officers  
Fine Schedule: 1st offense-warning, 2nd offense-\$25.00  
3rd and each successive offense-\$50.00

13. CABINS, OVERNIGHT, OR TOURIST, BY-LAW

Fine Allowed: \$50.00  
Enforcement Agent: Building Inspector  
Fine Schedule: 1st offense-warning, 2nd offense-\$25.00  
3rd and each successive offense-\$50.00

14. CONSERVATION LAND RULES AND REGULATIONS

Fine Allowed: \$100.00  
Enforcement Agent: Police Officers  
Fine Schedule: 1st offense-warning, 2nd offense-\$25.00  
3rd and each successive offense-\$50.00

15. DOG BY-LAW

Fine Allowed: \$50.00  
Enforcement Agent: Dog Officer and Police Officer  
Fine Schedule: 1st offense-warning, 2nd offense-\$25.00  
3rd and each successive offense-\$50.00

16. INTERNAL COMBUSTION ENGINE ON WHITE POND BY-LAW

Fine Allowed: \$50.00  
Enforcement Agent: Police Officers  
Fine Schedule: 1st offense-warning, 2nd offense-\$25.00  
3rd and each successive offense-\$50.00

17. MOTOR BOAT BY-LAW

Fine Allowed: \$50.00  
Enforcement Agent: Police Officers  
Fine Schedule: 1st offense-warning, 2nd offense-\$25.00  
3rd and each successive offense-\$50.00

18. OUTDOOR FIRE AND CAMPING BY-LAW

Fine Allowed: \$50.00  
Enforcement Agent: Police Officers  
Fine Schedule: 1st offense-warning, 2nd offense-\$25.00  
3rd and each successive offense-\$50.00

19. PUBLIC PARKS, WAYS, PLAYGROUNDS, AND PLACES

Fine Allowed: \$50.00  
Enforcement Agent: Police Officers  
Fine Schedule: 1st offense-warning, 2nd offense-\$25.00  
3rd and each successive offense-\$50.00

20. SNOW AND RECREATIONAL VEHICLES

Fine Allowed \$50.00  
Enforcement Agent: Police Officers  
Fine Schedule: 1st offense-warning, 2nd offense-\$25.00  
3rd and each successive offense-\$50.00

21. SNOW AND ICE BY-LAW

Fine Allowed \$50.00  
Enforcement Agent: Police Officers  
Fine Schedule: 1st offense-warning, 2nd offense-\$25.00  
3rd and each successive offense-\$50.00

22. SOLICITING BY-LAW

Fine Allowed \$50.00  
Enforcement Agent: Police Officers  
Fine Schedule: 1st offense-warning, 2nd offense-\$25.00  
3rd and each successive offense-\$50.00



## Procedures Guide

Non-Criminal Method of Disposition  
For Violations of By-Laws, Rules/Regulations

1. Explain to offender that you believe a violation of a town by-law, rule or regulation has occurred.
2. Explain to offender that in the exercise of discretionary power given to you as an enforcement officer for this specific provision that you intend to issue a non-criminal 'ticket' rather than to seek a criminal complaint against them.
3. Explain the procedures which are available to offenders under this process. These are printed on the violation notice itself.
4. Pick up lower end of one complete set of violation notice forms and place both cardboard cover and metal cover beneath the set.
5. Using a ball point pen, and while pressing down hard (remember you are making multiple copies and the last page must be readable as it is to be a permanent record), fill in the blank spaces provided:

the name and address of the offender

the designation of the specific section which was violated (e.g. Article 7, Section 7, General By-Laws) Refer to cardboard cover which contains complete listing of all sections covered by these procedures.

enter the description of the act constituting the offense, as it is printed on the card board cover. (e.g. consumption of alcoholic beverage on public property)

enter the time, date and place of occurrence

sign your name to the notice

enter the applicable fine (see cardboard cover)

request the offender to sign their name indicating receipt of a copy of the notice, explaining, if necessary, that the signature is not an admission of guilt.

if offender refuses to sign, so indicate on form.

6. Give offender a copy of the citation, again explain to them the procedures to be followed, all of which are printed on the citation form.

7. If offender refuses to accept the form, or if for any other reason you are unable to give a copy of the citation to them in person, you may mail or otherwise deliver a copy to them.

(NOTE: The notice may be delivered, or mailed by the enforcing person, the commanding officer, or head of the enforcing person's department, with fifteen days after the said violation to the last known address of the offender. A certificate of the person so mailing a copy shall be prima facie evidence of such mailing.

8. Two copies of the citation (the original for the district court, and the copy for the town's records) must be dropped off at the Police Department within twenty-four hours following issuance of the citation. It is good practice, unless otherwise prevented from doing so, to leave all citations at the police department at the end of your working day.

9. An incident report summarizing the circumstances in which you have issued each citation must be prepared by you at the time the notice of violation is written and kept available until you are advised it is no longer needed. If the offender requests a hearing, or if a criminal complaint is later sought, it will be necessary to have such a contemporary record of what happened. You will be notified if this becomes necessary.

# CONTROL LIST

07

Issued to

### Action taken

G



## [Official Town Stationary]

To:           name  
              street or mailing address  
              city/town, state 00000

Date:

On       [insert date]       you were issued a citation for violation of       [insert designation of by-law or regulation] by       [insert act constituting violation]. The citation issued to you stated, in part, that the matter would be treated as a non-criminal offense, provided the fine for this offense of \$ [insert amount] was paid within twenty-one days of the said notice.

You may still elect to pay the fine for this offense by appearing in person at the office of the Clerk-Magistrate, District Court Department, [ insert] Division, [insert street address] during normal business hours, or by mailing a check, money order or postal note to the Clerk-Magistrate at the address indicated within the ten days following the date of this notice. Payment by either method within the said period will operate as a final disposition of this matter, with no resulting criminal record.

You are hereby notified that if the fine provided above is not paid by you within ten days following the date of this notice that a criminal complaint will be issued against you.

Please bring or send this notice with your payment.

Town of [ insert]

By:

Enforcement Officer







